

entitlements for eligible refugees who were not enrolled during fiscal year 1981 will be based on a rate of \$750 per child; while those who were enrolled during fiscal year 1981 will be based in a lower rate of \$500 per child. For fiscal year 1983, there will be three rates in effect: \$750 for those refugee children not enrolled during the previous two fiscal years; \$500 for those enrolled during either fiscal year 1981 or 1982 but not both; and \$350 for those enrolled in both of the previous two years. These amounts are intended to approximate 50 percent of the actual projected excess costs.

Similar to title II, any financial assistance received under other Federal programs must be subtracted from the recipient's entitlement under this bill if the eligibility for the assistance is determined by a concentration threshold of refugee children and the allocation of the assistance is based on a statutory formula.

Although part E of title XIII of the Education Amendments of 1980 does have a threshold, the committee considers this to be for administrative purposes and not to determine where there is a high concentration of refugee children. The term "significant" concentration is used in this bill to distinguish between administrative thresholds, as are included in part E of title XIII, and concentration thresholds as are included in section 301(b)(2) of this bill. Therefore, funds received under part E of title XIII would be subtracted from awards made under title II of this bill and not under title III.

For title III, the committee bill authorizes the Secretary to reallocate any unused State funds to other States with a need for more funds.

USES OF FUNDS

The purpose of the title III funds is to provide funds for supplementary educational services for Cuban, Haitian and eligible Indochinese refugees. It is also the intent of this title to assist these districts in maintaining the quality of instructional and other educational services.

Allowable uses of funds under title III of the committee bill include supplementary services necessary to enable these children to achieve a satisfactory level of performance. These are defined to include English language instruction, other bilingual education services, and special materials and supplies. Title III funds can also be used for additional basic instructional services directly attributable to the presence of the refugee children, including supplies, overhead, classroom space, and transportation; and for special inservice training for instructional personnel who will work with the refugee children. These title III services are to be provided to refugee children enrolled in private schools within the District, as well.

APPLICATIONS

The committee bill requires States to submit an application for title III funds which contains the same assurances as those required in the title II application, plus assurances relating to the provision of services to private school children.

PAYMENTS

The committee bill authorizes the Secretary to directly arrange for the provi-

sion of services to private school children in States which are prohibited by law from providing services to these children or in local educational agencies that have substantially failed or are unwilling to provide services to these children.

TITLE IV—ADULT EDUCATION PROGRAMS STATE ENTITLEMENTS

Title IV authorizes payments to State educational agencies for fiscal years 1982 and 1983 for the operation of education programs for adult Cuban and Haitian refugees aged 16 or older. The committee bill sets out the following formula for determining title IV entitlements: the number of Cuban and Haitian adults aged 16 or older who are enrolled in adult education programs in the State, times \$300. For purposes of this formula, adults 16 or older who are enrolled in elementary or secondary schools are not counted. This provision is included to avoid double-counting of refugees under title IV and the other two titles of the bill. The committee in no way intends this provision to mean that only those refugees 16 and under are counted for purposes of titles II and III.

The figure of \$300 per adult represents approximately 50 percent of the annual per student cost of public school adult English language instructional programs.

As in titles II and III, a recipient's entitlement under this bill must be reduced by any funds received for adult refugee education assistance that is based on a statutory allocation formula. Although the Adult Education Act, allocates most of its money based on a statutory formula, historically, adult education money for refugees has been on a discretionary grant basis. Therefore, current monies targeted for adult refugees would not be considered in determining a recipient's final award under this bill.

USES OF FUNDS

The bill makes clear that the programs of adult education authorized under this title can be provided directly by the State educational agency, or through subgrants or contracts from the State educational agency to local educational agencies and other public and private nonprofit agencies, organizations, or institutions.

The bill permits title VI funds to be used for a variety of purposes, including instruction in basic and functional skills, administrative costs, educational support services such as counseling, and programs to develop occupational and related skills. With regard to this last use of funds, the bill calls for coordination of occupational programs with existing programs such as those funded under the Comprehensive Employment and Training Act and the Vocational Education Act.

The bill also requires States to review applications under this Title in conjunction with the State plan required under the Adult Education Act. In addition, the bill requires States to use their Title IV funds in such a way as to serve the maximum number of eligible refugees possible under these programs.

APPLICATIONS

The title IV application must contain assurances similar to those required in

the Title II application, except that no assurance regarding a State formula for distribution of funds to eligible entities is required.

TITLE V—OTHER PROVISIONS RELATING TO CUBAN AND HAITIAN ENTRANTS

Title V of the bill enables the President to use the same authorities with respect to Cuban and Haitian entrants as he has with respect to refugees under the Immigration and Nationality Act. Further, it enables the President to provide the Cuban and Haitian entrants with same benefits that might be provided for refugees.

Title V also authorizes the President to direct any Federal agency to provide assistance (in the form of materials, supplies, equipment, work, services, facilities, or otherwise) for the processing care, maintenance, security, transportation, and initial reception and placement in the United States of Cuban and Haitian refugees. The President is also authorized to reimburse State and local governments for expenses they incur for the same purposes. Funds for the purpose of this paragraph have already been appropriated under title I of the Supplemental Appropriations and Rescission Act of 1980.●

● Mr. STONE. Mr. President, I would first like to thank Senator WILLIAMS for his fine leadership in shepherding this important legislation through his Labor and Human Resources Committee. I also would like to thank Senator PELL for his leadership on the Education Subcommittee, and, of course, Senator BYRD for clearing the way for quick floor action.

Mr. President, I will keep my comments brief. The Stack bill, as amended by the Fassel-Stone amendment, addresses very directly and very efficiently what clearly is a national problem.

The Stack bill specifically authorizes a new 3-year program of grants to States to provide for the educational needs of Cuban, Haitian, and Indochinese refugee children as well as for education programs for Cuban and Haitian adults.

The Fassel-Stone amending language simply provides authorization so that monies—\$100 million—already appropriated in the fiscal year 1980 supplemental appropriations bill can be spent. This money will go to reimburse State and local governments which have incurred costs as a result of the Cuban-Haitian influx. And, as anyone who visited those impacted areas know, this money is desperately needed; therefore, I hope the Senate will act quickly and affirmatively on this legislation.●

The PRESIDING OFFICER. The question is on the engrossment of the committee amendments and third reading of the bill.

The committee amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. ROBERT C. BYRD. Mr. President. I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BUDGET ACT WAIVER

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 527.

The legislative clerk read as follows:

A resolution (S. Res. 527) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 7859.

The resolution was considered and agreed to, as follows:

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of H.R. 7859. Such waiver is necessary to permit emergency assistance to Cuban and Haitian refugee children.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BAKER. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

DISCONTINUATION OR AMENDMENT OF CERTAIN REQUIREMENTS FOR AGENCY REPORTS TO CONGRESS

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House on H.R. 6686.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6686) to discontinue or amend certain requirements for agency reports to Congress.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the bill be considered as having been read the first and second times and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill.

Mr. ROBERT C. BYRD. Mr. President, the bill is now before the Senate, am I correct?

The PRESIDING OFFICER. The Senator is correct.

UP AMENDMENT NO. 1670

(Purpose: To delete or add certain provisions relating to agency reports)

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. CHILES, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD) on behalf of Mr. CHILES, proposes an unprinted amendment numbered 1670.

Mr. ROBERT C. BYRD. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, strike out lines 22 and 23.
On page 2, line 24, strike out "(e)" and insert "(d)".

On page 3, line 1, strike out "(f)" and insert "(e)".

On page 3, line 3, strike out "(g)" and insert "(f)".

On page 3, strike out lines 8 through 11.

On page 3, strike out lines 13 through 17.

On page 3, line 18, strike out "(c)" and insert "Sec. 103. (a)".

On page 3, strike out lines 20 through 25.

On page 4, line 1, strike out "(e)" and insert "(b)".

On page 4, strike out lines 9 through 12.

On page 4, line 13, strike out "(c)" and insert "(b)".

On page 4, line 16, strike out "(d)" and insert "(c)".

On page 4, beginning with line 22, strike out through line 2 on page 5.

On page 5, line 3, strike out "(c)" and insert "Sec. 105."

On page 5, strike out lines 6 through 17.

On page 6, strike out lines 1 through 7.

On page 6, line 8, strike out "(f)" and insert "(d)".

On page 6, strike out lines 10 through 16.

On page 6, line 17, strike out "(j)" and insert "(e)".

On page 6, strike out lines 20 through 22.

On page 6, line 23, strike out "(1)" and insert "(f)".

On page 7, strike out lines 1 through 15.

On page 7, strike out lines 22 through 24.

On page 8, line 1, strike out "(c)" and insert "(b)".

On page 8, line 8, strike out "(d)" and insert "(c)".

On page 12, strike out lines 1 through 6.

On page 12, line 8, strike out "Sec. 114." and insert "Sec. 113."

On page 12, line 13, strike out "Sec. 115." and insert "Sec. 114."

On page 12, line 17, strike out "Sec. 116." and insert "Sec. 115."

On page 13, line 2, strike out "Sec. 117." and insert "Sec. 116."

On page 13, line 10, strike out "Sec. 118." and insert "Sec. 117."

On page 13, line 15, strike out "Sec. 119." and insert "Sec. 118."

On page 14, line 2, strike out "Sec. 120." and insert "Sec. 119."

On page 14, line 6, strike out "Sec. 121." and insert "Sec. 120."

On page 14, line 15, strike out "Sec. 122." and insert "Sec. 121."

On page 14, strike out lines 19 through 22.

On page 15, strike out lines 2 through 6.

On page 15, strike out lines 8 through 14.

On page 15, line 15, strike out "(b)" and insert "Sec. 201. (a)".

On page 15, line 21, strike out "(c)" and insert "(b)".

On page 16, line 3, strike out "(d)" and insert "(c)".

On page 16, line 12, strike out "(e)" and insert "(d)".

On page 16, line 21, strike out "(f)" and insert "(e)".

On page 17, beginning with line 1, strike out through line 6 on page 18, and insert the following:

"(f) Section 202 (c) of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1061; 33 U.S.C. 1442 (c)), is amended by inserting at the end thereof the following sentence: 'The Secretary shall include in this report the report to Congress of activities of the Department of Commerce under section 5 of the Act of March 10, 1934 (48 Stat. 401; 16 U.S.C. 665), required by that section.'"

On page 18, line 8, strike out "Sec. 203." and insert "Sec. 202."

On page 19, line 8, strike out "Sec. 204." and insert "Sec. 203."

On page 20, strike out lines 7 through 18.

On page 20, line 19, strike out "(e)" and insert "(c)".

On page 21, line 3, strike out "(f)" and insert "(d)".

On page 21, line 19, strike out "(g)" and insert "(e)".

On page 22, line 11, strike out "(h)" and insert "(f)".

On page 23, strike out lines 1 through 10.

On page 23, line 11, strike out "(j)" and insert "(g)".

On page 23, line 18, strike out "(k)" and insert "(h)".

On page 23, beginning with line 24, strike out through line 6 on page 24.

On page 24, strike out lines 9 through 20.

On page 24, line 21, strike out "(c)" and insert "Sec. 204."

On page 25, line 3, strike out "Sec. 206." and insert "Sec. 205."

On page 25, line 15, strike out "Sec. 207." and insert "Sec. 206."

On page 27, line 4, strike out "Sec. 208." and insert "Sec. 207."

On page 27, line 1, strike out "Sec. 209.(a)" and insert "Sec. 208."

On page 27, beginning with line 18, strike out through line 6 on page 28.

On page 28, line 8, strike out "Sec. 210." and insert "Sec. 209."

On page 29, strike out lines 10 through 15.

On page 29, line 16, strike out "(g)" and insert "(f)".

On page 30, line 3, strike out "Sec. 211." and insert "Sec. 210."

On page 30, line 8, strike out "Sec. 212." and insert "Sec. 211."

On page 30, line 21, strike out "Sec. 213." and insert "Sec. 212."

On page 31, strike out lines 12 through 18.

On page 31, line 21, strike out "Sec. 215." and insert "Sec. 213."

The PRESIDING OFFICER. The question is on agreeing to the amendment. The amendment was agreed to.

● Mr. CHILES. Mr. President, H.R. 6686, the Congressional Reports Elimination Act of 1980, which we are taking up today, represents a significant initial effort by Congress to review its own needs for certain reports from agencies in an effort to reduce the number of reports which may no longer be necessary. The purpose of this bill is to discontinue or amend certain requirements for agency reports determined to be no longer necessary and modifies others by providing for their simplification, requiring them less frequently by changing report dates or by consolidating several reports.

Over the years, such statutory requirements for reports have proliferated—to a total of 2,300 at this time. Each Congress requires more and more reports; for example, during the 1970's, almost 800 new reports were mandated.

H.R. 6686 is a result of recommendations received from the General Accounting Office (GAO) and the Office of Management and Budget (OMB). In compiling its list, staff of the GAO contacted affected congressional committees for concurrence with the GAO recommendations. OMB's list was based on suggestions by the individual agencies. In addition, I contacted each Senate committee by letter asking for their review and comments on all of the reports contained in the bill.

The Committee on Governmental Affairs favorably considered a companion bill to H.R. 6686. H.R. 6686 as I propose to amend it here today compares entirely with the bill considered by the Governmental Affairs Committee. It is important to note that, in support of this legislation, the committee

further expressed its concern about the numerous examples of congressionally mandated reports being compiled by individual consultants and consulting firms. In an August 1980 report by the Comptroller General, entitled "Agencies Should Disclose Consultant's Roles in Preparing Congressionally Mandated Reports," the GAO in reviewing seven agencies found that consulting services were used to meet over 40 percent of their congressionally mandated reporting requirements during fiscal year 1977-79. Additionally, consulting services accounted for about two-thirds of the total costs incurred, and approximately 60 percent of the reports either did not disclose or inadequately disclosed consultants involvement.

In an effort to assure that the Congress continues to receive the information necessary to fulfill its oversight function, we have accommodated all requests from the relevant committees to delete certain reports from the bill. The amendments I offer today embody all of these committee requests. In fact, my staff and the staff of the House Subcommittee on Legislation and National Security have worked together to insure that we are eliminating only those reports that were agreed upon by all House and Senate committees.

Therefore, I strongly urge the Senate to pass H.R. 6686, as it will result in significant savings to the government by better utilization of Federal employees' time and by reduction of paperwork and support costs. ●

THE PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MOTOR VEHICLE SAFETY AND COST SAVINGS AUTHORIZATION ACT—CONFERENCE REPORT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. CANNON I submit a report of the committee of conference on S. 1159 and ask for its immediate consideration.

THE PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1159) to authorize appropriations for the National Traffic and Motor Vehicle Safety Act of 1966 and Motor Vehicle Information and Cost Savings Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

THE PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

● **Mr. CANNON.** Mr. President, I urge the adoption of the conference report on the National Highway Traffic Safety Administration Authorization Act. The conference bill sets the authorization level for the agency for a 3-year period. The final figures agreed on are lower than the Senate-passed levels of \$60 million for fiscal 1980 and \$70 million for fiscal years 1981 and 1982. The final figures are: \$48,500,000, 1980; \$53,350,000, 1981; and \$61,300,000, 1982. These authorization levels, however, are sufficient to meet the agency's current budget requests.

There are two important provisions of the conference report that I wish to comment on briefly. First, the conference report adopts the Senate provision lowering the bumper crash test standard from 5 mph to 2.5 mph. The conference report makes clear that NHTSA is to use the current proportional corner test approach under the lower standard. That is, NHTSA is to use a 1.5 mph corner impact test. Also, after September 1, 1982, the Secretary is to conduct a rulemaking proceeding and compare experience with 5 and 2.5 mph bumpers. In that way, future policy can be established on the basis of real world comparison of bumper systems, not projections and controversial assumptions such as the future price of gasoline. I want to also point out that this amendment becomes effective upon enactment of the bill.

The second matter is a provision that would delay the effective date of the passive restraint standard. Currently it would go into effect on large cars in 1982, but would not apply to small cars until 1984. This would place domestic manufacturers at a great disadvantage against foreign competition. The conference report would delay the standard for 1 year for large manufacturers and also reverse the schedule so that it would apply to small cars first—in 1983, and in larger cars in 1984 and thereafter. Finally, the conference substitute requires the large car manufacturers to tool up and offer for sale airbag-equipped cars on one car line in 3 of the 4 model years between 1982 and 1985.

Mr. President, I thank all of the Members who served on the conference, particularly the Senator from Kentucky (Mr. FORD), whose leadership enabled the Senate to prevail on several important issues. The Senator from Virginia (Mr. WARNER) should also be recognized for his diligent work on the airbag issue. Finally, I thank the Senator from Washington (Mr. MAGNUSON) and the Senator from New Mexico (Mr. SCHMITT) whose cooperation greatly aided our efforts. ●

● **Mr. FORD.** Mr. President, I urge the Senate to adopt the conference report on S. 1159, the Motor Vehicle Safety and Cost Savings Authorization Act of 1980.

This has been a long conference and it has taken a great deal of time to agree on the precise language implementing the decision of the conference. But I believe that the agreements that were finally made are fair and reasonable. The conference substitute reduces the au-

thorized funding level for the National Highway Traffic Safety Administration from the amount passed by the Senate in 1979 to levels which are consistent with the second concurrent budget resolution; the conference substitute lowers the bumper impact standard from 5 mph to 2.5 mph, thus adopting the Senate amendment on bumper test standards; and the conference substitute provides a 1-year delay and a reversal of the schedule for the introduction of passive restraints so that the standard would effect small cars in 1983, and larger cars in later years.

The amendment dealing with passive restraints was a proposal originally made by the distinguished Senator from Virginia (Mr. WARNER), who played an active role in this conference.

Mr. President, I support the delay in and the reversal of the order for the introduction of passive restraints which is applicable to most of the large automobile manufacturers. If we stay on the present schedule, U.S. manufacturers would face a competitive disadvantage because under the current schedule, small-size cars would not be subject to the passive restraint rule for 2 years after it applied to full-sized cars. Since foreign manufacturers almost exclusively sell small cars, they would have a great advantage. But under the new schedule all large manufacturers, foreign and domestic, would have to meet the passive restraint standard on small cars in 1983 and larger cars in later years. This will equalize the burden between foreign and domestic manufacturers, and it will put passive restraints in small cars first which makes sense from a safety standpoint because small cars pose a greater risk of injury if they are involved in an accident.

Let me now turn to another important provision in the conference report; that is the provision which lowers the bumper impact standard from 5 mph to 2.5 mph until September 1, 1982. After that date, the Secretary of Transportation is to conduct a rulemaking proceeding and on the basis of comparative experience between the 5 and 2.5 mph bumpers to establish a new standard which would be applicable thereafter.

This lower bumper standard will allow for a 2-year comparison of the 2.5 mph bumpers with 5 mph bumpers. And we will not have to rely simply on crash tests. NHTSA can review the evidence on the basis of real world experience. After the insurance cost data for model year 1980 is compared with the experience from 1981 and 1982, then the Secretary of Transportation will be in a position to evaluate these bumper standards and make a determination as to what bumper standard is most appropriate and most cost effective. The Secretary has 18 months within which to complete this rulemaking proceeding. I want to emphasize and make very clear that there is to be no presumption in favor of any particular bumper standard in the proceeding that the Secretary will conduct.

He is to apply the current statutory criteria and weigh all factors to devise a standard which will provide the greatest

saving to the consumer. All we are asking for is a careful and complete evaluation on the basis of current accurate and credible loss data. I want to point out one other very important understanding regarding the provision of the conference substitute lowering the bumper test impact standard. The statement of managers makes clear that it is the intent of the conferees that NHTSA will use the proportional approach to corner testing now utilized under the current 5 mph bumper standard. In other words, the impact test standard for corner testing will be 1.5 mph for a 2.5 frontal impact standard.

Mr. President, I thank all of my colleagues who served on this conference, for their patience and perseverance in completing action on the bill. ●

Mr. ROBERT C. BYRD. Mr. President, the conference report on S. 1159, the National Highway Traffic Safety Administration authorization bill, represents the culmination of nearly 2½ years of my legislative interest in the part 581 Bumper standard promulgated by NHTSA.

Senate report 95-938 on the fiscal year 1979 appropriation bill for the Department of Transportation provided \$300,000 for the National Highway Traffic Safety Administration to perform a cost-benefit analysis of the agency's 5-mph bumper standard. The report stated that:

Such study is to be completed by December 31, 1978. NHTSA shall modify its bumper standard to reflect the results of this study.

NHTSA did not complete its study by the congressional deadline, but on January 26, 1979 NHTSA issued a seven-page "Analysis of the Bumper Standard" that showed that a 2.5-mph standard would cost consumers \$188 million less than the 5-mph standard.

On February 8, 1979, I wrote to Administrator Joan Claybrook, and, citing the NHTSA study and a study by Houdaille Industries of Huntington, W. Va., both of which showed that consumers would benefit by a change to the 2.5 mph bumper standard, I called on NHTSA "to take immediate steps to change the standard." On February 13, I repeated this request in a letter to then Department of Transportation Secretary Brock Adams. On February 21, 1979, I telegraphed Administrator Claybrook again urging a change in the standard to 2.5 mph as indicated by the NHTSA analysis and required by the Senate report. I also requested the backup data and calculations for the seven-page January 26th "Analysis." On February 26, 1979, I received the full report including the backup data I requested. According to NHTSA, the February 26, 1979, analysis showed that consumers would save \$720 million if a 2.5 mph standard were substituted for the current 5-mph standard. Despite all of this evidence showing that a 2.5-mph standard was preferable, NHTSA refused to change the standard. Instead, it continued to study the matter further.

On June 1, 1979, NHTS released its third bumper study. This study concluded that a 5 mph standard was more cost beneficial than a 2.5-mph standard by

\$39 per car. This study was severely criticized by the Council on Wage and Price Stability and others for a number of erroneous assumptions it contained. For example, the agency used the unrealistically low figure of 73 cents for the price of gasoline and predicted that the price would not reach \$1 per gallon before 1990. At the time, the price of gas was in excess of 90 cents per gallon and climbing fast. Moreover, NHTSA used an unreasonably low figure of 0.35 of a pound in estimating the amount of "secondary weight" that could be saved as a result of a 1-pound reduction in bumper weight. In contrast, all the auto industry estimates stated that a minimum of 1 pound could be saved as a result of a 1-pound reduction in bumper weight.

NHTSA, in part, responded to these criticisms releasing a fourth bumper study on January 8, 1980. This report conceded that the case for the 5-mph bumper was weaker than the agency had argued in June 1979; but it still claimed that a 5-mph standard was \$11 to \$29 more cost beneficial per car than the 5-mph standard. While NHTSA admitted that its fuel cost and secondary weight estimates were too low, it refused to adopt reasonable figures. It raised its assumption of gasoline prices to only 94.5 cents per gallon, and its secondary weight estimates to a range between 0.5 and 0.75 of a pound.

On January 25, 1980, Director R. Robert Russell of the Council on Wage and Price Stability wrote to Joan Claybrook after analyzing all of NHTSA's studies. He stated that, using certain alternative assumptions that the Council believed to be "more realistic or at least equally plausible" to those used in the final NHTSA analysis, the 2.5-mph standard is more cost beneficial than the 5-mph standard by a range of \$7 to \$70 per car. The Council on Wage and Price Stability report concluded that:

In sum, we have seen no convincing basis for concluding that the 5-mph standard is preferable to the 2.5-mph standard.

On February 26, 1980, Director Russell informed me by letter that—

On the basis of the limited evidence that we have examined, we believe that the net social benefits associated with the 2.5-mph standard are greater than for the 5-mph standard.

On April 15, 1980, in a letter to General Motors Corp., NHTSA stated that:

NHTSA's analysis indicates that, if the Part 581 Bumper Standards were modified to require 2.5-inch front and rear barrier and pendulum impacts and 1.5-mph corner pendulum impacts, and if manufacturers took full advantage of the primary and secondary weight reductions made possible by such a modification, combined average fuel economy values would be increased by 0.3 miles per gallon.

This fuel-economy figure represents a savings of approximately 800 million gallons of gasoline every model year. And, it should be noted that this figure, large as it is, is extremely conservative because it is based on NHTSA's unreasonable assumption of a secondary weight estimate of only 0.5 pounds. The Department of Energy estimated that the sav-

ings would be approximately 1 billion gallons of gasoline every model year if the bumper standard were lowered.

The adoption of my amendment reflects the congressional determination that, on the overwhelming weight of the evidence that exists to date, the 2.5-mph bumper standard will benefit consumers by saving them significantly more money and gasoline than will a 5-mph standard. In addition, Congress has determined, in adopting this amendment, that NHTSA's retention of the 5-mph bumper standard, in defiance of the overwhelming weight of the evidence, constitutes "arbitrary and capricious rulemaking."

The bumper standard currently consists of 5-mph front and rear barrier crash tests, 5-mph front and rear longitudinal pendulum tests, and 3-mph corner pendulum tests. My amendment will change the 5-mph front and rear barrier and longitudinal pendulum tests to a speed of 2.5 mph. In addition, the corner pendulum impact test speed of 3 mph will be reduced proportionately, as contemplated by NHTSA's bumper analysis, to a speed of 1.5 mph (See page Robert F. McLean, "Design Analysis of Bumper Systems in Support of the Cost Benefit Study." (April, 1979).)

The reduction in the impact test speed set forth in part 581 of title 49 of the Code of Federal Regulations shall take place on the date of enactment of this amendment. On that date, new automobiles will be required to comply with the part 581 bumper standard, but with every impact test speed halved.

The Secretary of Transportation shall not have any authority to propose or establish any impact test velocity exceeding 2.5 mph for the barrier and longitudinal pendulum tests or for the 1.5-corner impact test before September 1, 1982. This limitation on the Secretary's authority to amend the standard is incorporated in the amendment for two reasons. First, it will encourage automobile manufacturers to redesign their bumper systems in order to take full advantage of the weight reduction associated with the 2.5-mph standard, benefiting consumers through cost and weight reductions. By freezing the standard in place until September 1, 1982, Congress intends to insure that automakers will be able to justify and recoup the retooling costs associated with this redesign. Second, this limitation on the Secretary's authority will insure that the Secretary will be able to develop realistic data comparing the relative performance of 2.5 and 5-mph bumper systems before any attempt is made to modify the bumper standard.

After the limitation on the Secretary's authority to propose or establish higher test velocity speeds elapses on September 1, 1982, the 2.5-mph standard will remain in effect. The Secretary of Transportation will then be in a position to evaluate the actual performance of cars equipped with 2.5-mph bumper systems. In particular, attention should be focused on those vehicles that have been redesigned to achieve fully the cost and weight savings attendant to the 2.5-mph standard. Moreover, 1983 and 1984